

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Cr. No. 18-04175 WJ
	)	
vs.	)	
	)	
JAMES CAREY,	)	
	)	
Defendant.	)	

**OPPOSED MOTION FOR ENLARGEMENT OF TIME**  
**TO REQUEST RESTITUTION**

The United States respectfully requests that the Court enlarge the timeframe for the United States to submit a restitution request. In support of this motion, the United States provides the following:

1. On December 19, 2018, a federal grand jury returned an indictment alleging two counts of Production of a Visual Depiction of a Minor Engaging in Sexually Explicit Conduct, in violation of 18 U.S.C. §§ 2251(a), (e), and 2256, and one count of Possession of Visual Depictions of Minors Engaging in Sexually Explicit Conduct, in violation of 18 U.S.C. §§ 2252A(a)(5)(B). Doc. 2.
2. On June 12, 2019, Defendant entered a guilty plea, pursuant to Fed. R. Crim. P. 11(c)(1)(C), stipulating to a sentencing range of 17 to 25 years' incarceration. Doc. 27. As part of the plea agreement, the United States agreed to dismiss Count 3. *Id.*
3. Defendant appeared for sentencing on September 16, 2019. The Court imposed a sentence of 25 years' incarceration, followed by 20 years of supervised release. Following the

United States request, the Court authorized a 30-day extension in order for the parties to finalize restitution. The 30-day deadline would fall on October 16, 2019.

4. Title 18 U.S.C. § 3664(d)(5) allows for a 90-day extension to address the question of restitution. However, the 90-day timeframe may be extended. *United States v. Dolan*, 571 F.3d 1022 (10th Cir. 2009) (the 90-day deadline is “not a jurisdictional limit on the district court’s authority to order restitution”). As such, the United States requests that the Court enlarge the current 30-day extension by 60 days, for a total of 90 days.

5. The United States requires additional time to obtain restitution documentation from the victims. Further, the United States requires additional time to conduct thorough research regarding the economic impacts of child sexual abuse and exploitation offenses.

6. The United States understands that defense counsel will be filing a motion to withdraw from the case. *See* Doc. 40. However, undersigned counsel previously sought defense counsel’s position on this motion and learned that Defendant is opposed to the relief sought.

Respectfully submitted,

JOHN C. ANDERSON  
United States Attorney

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I HEREBY CERTIFY that the foregoing pleading was electronically filed, which caused counsel of record to be served by electronic means.

/s/  
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SARAH J. MEASE  
Assistant United States Attorney